**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 561 OF 2006.**

Bhupendra D.Goradia & others. ... Petitioners.

Versus.

State of Maharashtra & another. ... Respondents.

Ms.Nitin Solanki i/by M/s.Kiran Jain & Co. for the Petitioners.

Ms.Arati Gaikwad for the Respondent.

**CORAM : ABHAY S.OKA, J.**

**DATED : 17th October, 2006.**

**P.C.:**

1. Rule. The learned A.p.P. waives service for the 1st Respondent. The learned Advocate appearing for Respondent no.2 waives service. The prayer in this petition is for quashing the proceedings of the summons case.

2. The 2nd Respondent filed FIR against the Petitioners alleging commission of offence under section 380 and section 451 read with section 114 of the Indian Penal Code. The Petitioner and the second Respondent have filed consent terms in writing in this petition. The said consent terms are taken on record and marked "X" for identification.

3. The learned Counsel appearing for the Petitioners submitted that considering the stand taken by the 2nd Respondent, the pending case may be quashed. The learned Advocate for the 2nd Respondent supports the

submission. I have perused the statement of the 2nd Respondent recorded on 5th March 1997. The said statement shows that there was a dispute between the 2nd Respondent and the Petitioner as regards the payment of money. The F.I.R. filed by the 2nd Respondent arises out of the said money dispute. It appears that with the passage of time, there is a settlement between the parties.

4. It is true that the offence alleged against the Petitioners cannot be allowed to be compounded. However, considering the nature of allegations made by the 2nd Respondent and subsequent settlement between the parties, continuation of the criminal proceedings will be unjust. No purpose will be served by continuation of the criminal trial. Hence case is made out for quashing the proceedings.

5. Rule is made absolute in terms of prayer clause (a).

**Judge.**